

TOWN OF SOUTH HADLEY

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PLANNING BOARD DECISION ON AN APPLICATION FOR A SPECIAL PERMIT FOR A PROFESSIONAL BUSINESS

APPLICANT: Jorge and Eleni Gomez
49 San Souci Drive
South Hadley, MA 01075

DEVELOPMENT NAME: Gomez Enterprises (Management Offices)

LOCATION: 660 Newton Street
South Hadley, MA 01075
Assessor's Map #40, Parcels #6 and #28

SURVEYORS & ENGINEERS: None

PUBLIC HEARING: A public hearing was conducted and concluded on October 7, 2013 in accordance with the South Hadley Zoning By-Law and the Massachusetts General Laws.

Project Description: Applicant requests a Special Permit under sections 5(D), 7(M), and 9 of the South Hadley Zoning By-Law to conduct a Professional Business in a Residence A-1 zoning district. The subject property is located on the west side of Newton Street and south side of Brainerd Street. The property is generally described as 660 Newton Street and identified on Assessor's Map #40 as Parcels #6 and #28. Presently, zoned Residence A-1, the applicant proposes to utilize the existing structures as a Professional Business (Gomez Enterprises) as provided in Section 5(D) and Section 7(M) of the Town's Zoning By-Law.

Comments: A request for comments was sent to the various departments. The deadline for comments was October 7, 2013. The following responses were received by the Planning Board prior to the October 7, 2013 public hearing and distributed at the public hearing:

Fire District #1 – Fire Department: Fire District #1 Fire Captain Thomas Stark stated in an email that Fire district One has no issues with the proposed plan. However, they asked if the building has a fire alarm system and stated that the District would like a knox box installed to gain entry in an emergency situation. In a subsequent email, Captain Stark clarified that when a building changes use group it must meet the current building code

requirements for fire alarm. the same goes for sprinklers. The knox box is optional, but most owners opt to have a knox box so that we don't take down their doors in a emergency.

Fire District #1 Water Department: Fire District #1 Water Department Superintendent Jeff Cyr stated in an email that the Water Department has no objections to the project and is glad to see the building occupied.

Police Department: Police Chief David Labrie stated in an email that he has no safety concerns relative to the proposed use of 660 Newton Street.

DPW/Town Engineer: Town Engineer Dan Murphy stated in an email that the Engineering office has no comments on the proposed change in use.

Board of Health: Director of Public Health Sharon Hart stated in an email that she reviewed the plans for 660 Newton Street - Special Permit and thought the plan looks good.

Conservation Commission: Conservation Commission Administrator Janice Stone stated in an email that the Conservation Commission does not need any permitting if the work is all going to be done in the house, or in the house or driveway footprint. She added that pretty much the entire lot is within the 200-foot Riverfront Area of Stony Brook, so any grading, excavating, clearing of vegetation other than existing lawn and garden maintenance, or construction expanding the existing building footprint will have to go through the Conservation Commission for permitting. In a subsequent email, she clarified that they would not have to come to the Conservation Commission if they are planting addition plants if they are native plants or in existing lawn or garden beds.

Findings: The Planning Board has evaluated the proposed project in relation to the Standards for Special Permits provided in Section 9(C) and Section 12 of the Zoning By-Law. The Board's findings are presented in ATTACHMENT A – STATEMENT OF FINDINGS.

Decision: At a meeting held on October 07, 2013, by a vote of **Five (5)** out of **Five (5)** members present, the Planning Board voted to approve the above-described application for a Special Permit subject to the following conditions:

1. **Limit on Usage.** The Professional Business is to utilize the existing structures located on the subject property as described in the narrative and on the plans submitted with the application. Accordingly, the only business to be operated on this property is that of the management offices and employee training functions associated with Gomez Enterprises.
2. **Structures.** No changes are to be made to the exterior of the structure (except as described in the application) and no additional structures are to be erected thereon. If, based on currently unknown building/structural conditions, the owner/applicant determines they need to change/alter/replace/add to the existing buildings, the Planning Board may require a new application or public hearing with an amendment to the Special Permit. This condition does not apply to changes of a cosmetic or

- maintenance or public safety nature (such as painting, roof replacement, fire alarm etc.)
3. Parking. No additional parking is to be added to the site.
 4. Signs. As limiting in the Zoning Bylaw one sign not more than 16 square feet in area may be permitted. If the applicant determines that they want it illuminated, then they must request such illumination in accordance with the Zoning Bylaw. The sign is not to have a commercial, trademark type of logo.
 5. Minutes. Minutes of the following hearing and meeting regarding this project are also incorporated into and made part of this Decision:
 - a. Planning Board public hearing on Special Permit held on October 07, 2013.
 - b. Planning Board meeting held October 07, 2013.
 6. Application Materials and Revisions Incorporated. All application materials (including subsequent revisions thereto) submitted to, and received by the Planning Board as part of the applicant's "Special Permit Application" are hereby incorporated into and made part of this Decision. Furthermore, related materials are also hereby incorporated into and made part of this Decision.
 7. No Waiver. This Special Permit does not in any manner or form constitute any waiver for the applicant or project from conformance to the provisions of the Town's Zoning By-Law, the Building Code or the Housing Code.
 8. Decision Appeal Period. This Special Permit shall not take effect until:
 - i. a copy of the decision bearing certification of the Town Clerk that twenty (20) days have elapsed and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Hampshire County Registry of Deeds within twenty (20) days following this certification of the Town Clerk.
 9. Proof of Filing. Proof of this filing (Condition #8) must be submitted (1) to the Building Commissioner prior to obtaining a Certification of Occupancy, and (2) to the Planning Board.

This decision shall constitute an approved Special Permit for the above-described project with conditions set forth above. Copies of this decision have been filed with the Town Clerk, Building Commissioner, and Board of Selectmen. Appeals, if any, shall be made pursuant to Massachusetts General Law, Chapter 40-A, Section 17, and shall be filed within twenty (20) days after the date of filing of this NOTICE in the office of the Town Clerk.

The Special Permit shall expire if the work or change involved is not commenced within one (1) year of its taking effect, and if the work or change is not substantially completed within two (2)

years. The Planning Board acting as the Special Permit Granting Authority may grant an extension of time for good cause.

Failure of the applicant to adhere to the provision of this Special Permit shall constitute a violation of the Zoning By-Law, and is punishable by a fine of up to \$200.00 for each violation. Each day that such violation continues shall constitute a separate offense.

ATTESTED AND AFFIRMED

s/As Filed with Town Clerk 10-8-2013

Jeff Squire, Chairman
South Hadley Planning Board

October 07, 2013

Date

Cc: Town Clerk (Date Filed: _____)
Selectboard
Building Commissioner
Jorge and Eleni Gomez

ATTACHMENT A

STATEMENT OF FINDINGS PROFESSIONAL BUSINESS SPECIAL PERMIT FOR JORGE AND ELENI GOMEZ – GOMEZ ENTERPRISES MANAGEMENT OFFICES

1. Compatibility with Surrounding Uses: The proposal entails utilization of an existing structure which will not be expanded nor substantively changed as a Professional Business. As described in the Master Plan, this area consists of residential development with intermittent commercial development. The use and potential development of this property has been raised as a potential issue for a number of years. The previous use was that of a Professional Business which maintained the structure and premises and fit into the residential fabric. The proposed use as outlined by the applicant will continue to ensure that this property will be compatible with the type and scale of surrounding land uses.
2. Harmony with Intent and Purpose of the By-Law: The Zoning Bylaw provides a means for operation of a Professional Business within this portion of Route 116 under the provisions of a Special Permit. Operation of a management office with only a few employees and limited training programs for the firm's employees from other locations within the existing structure furthers the goals of the Master Plan and is consistent with the provisions and intent of the Professional Business provisions. The applicant has proposed operation of the business in a manner which will ensure that the property is in character with the predominant land use in the area, furthers the goals of the Master Plan, and does not disrupt the neighborhood. Therefore, use of the subject property as proposed, subject to the conditions of the Decision, meets the provisions of the By-Law and is located in an area specified for such use. Provisions attached to the Planning Board's approval ensure that the development will be compatible with the surrounding uses.
3. Absence of Hazard: Due to the size and type of business proposed, the Board finds that the use will not change the character of the area and finds no reason to conclude that the proposed use will constitute any inherent hazard to abutters, pedestrians or vehicles.
4. Absence of Nuisance: With the conditions proposed by the applicant and established within this decision, the property will remain in character and scale the same as that of a single-family residence which will be used by a quiet professional business consistent with the standards for a Professional Business. Therefore, the Board finds no reason to conclude that the use of the proposed development will constitute any nuisance by reason of excessive air, water or noise pollution or by structures or accessories which are deemed to be visually objectionable in light of prevailing standards.